

Order

Michigan Supreme Court
Lansing, Michigan

June 26, 2007

Clifford W. Taylor,
Chief Justice

133195

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 133195
COA: 274214
Kent CC: 06-000954-FH

VERNON ERIC SIMMONS,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the December 28, 2006 order of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we VACATE the order of the Court of Appeals and we REMAND this case to the Court of Appeals for reconsideration of the defendant's application for leave to appeal under the standard applicable to direct appeals. The Court of Appeals erred in denying the defendant's application for leave to appeal under MCR 6.508(D) because the defendant's appeal was not based on a motion for relief from judgment.

MARKMAN, J., would grant leave to appeal for the reasons set forth in his dissenting statement in *People v Wright*, 474 Mich 1138 (2006).



d0618

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

June 26, 2007

Corbin R. Davis

Clerk